

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:21-cr-80

v.

Hon. Janet T. Neff
United States District Judge

KEVIN DANIEL BAKER,

Defendant.

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GOVERNMENT'S SENTENCING MEMORANDUM

There are no objections to the presentence investigation report and both parties agree that Defendant Kevin Baker's total offense level is 23 and he is a criminal history category III. (R.30, PSR, ¶¶ 43, 59.) With a total offense level of 23 and a criminal history category of III, the advisory guidelines range is 57 to 71 months' imprisonment. (*Id.* at ¶94.) However, the statutory mandatory minimum term of imprisonment for arson is 60 months. (*Id.*); 18 U.S.C. §844(i). Therefore, the adjusted guidelines range is 60 to 71 months. (*Id.* at ¶94.)

The factors outlined in 18 U.S.C. § 3553(a) demonstrate the need for a significant sentence in this case. Baker broke into Austin Jordan Engines, a car repair business, looking to steal items that he could sell in order to support his drug habit. (R.30, PSR, ¶21.) Baker stole from the business a handgun, blank checks, car repair tools, and a Chevrolet Camaro. (*Id.* at ¶¶12, 14, 23.) To conceal evidence of his breaking and entering, Baker set the business on fire before driving away with the stolen goods in the stolen Camaro. (*Id.* at ¶28.) Thankfully, no one was injured

in the blaze, which caused significant damage to the building and the business; resulting in over \$1,600,000 in loss and damages. (*Id.* at ¶106.) Baker is now facing significant time in federal prison for this dangerous and destructive arson.

Baker admitted that he initially broke into the automotive repair business to try and find items that he could sell to fund his drug habit. (R.30, PSR, ¶29.) He expressed remorse for his actions and stated that he is committed to addressing his substance abuse disorder. (*Id.*) Looking at Baker's criminal history, it is evident that substance abuse, primarily methamphetamine, underpins many of Baker's interactions with the criminal justice system. (*Id.* at ¶¶ 53, 56.) Although Baker does not have a particularly lengthy criminal history, he has amassed six total criminal history points. (*Id.* at ¶58.) Baker's federal arson is by far the most serious offense for which he has ever been convicted and Baker acknowledges that his addiction and associated criminal behavior have escalated sharply and he needs to address his severe drug abuse before he injures himself or anyone else. (*Id.* at ¶¶29, 30.)

Having been found guilty of an arson that resulted in well over a million dollars in losses, Kevin Baker has earned a significant prison sentence to punish this dangerous criminal act, protect the public from future crimes that he may choose to commit, and to deter Baker, and others, from engaging in similar conduct.

Respectfully submitted,

ANDREW BYERLY BIRGE
United States Attorney

Dated: September 22, 2021

/s/ Erin K. Lane
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